(6)

COURT FEE 5 RS. भारत INDIA पाँच रुपये FIVE RUPEES CANCELLED COURT FEE 20 RS. भारत INDIA TWENTY RUPEES

IN THE HIGH COURT OF MADHYA PRADESH, AT JABALPUR

WRIT PETITION NO. 1760/1995

SURESH KUMAR BADWANI,
aged 37 years, s/o Jodharam Badwani
R/o-Fafadih, Teh & Distt. Raipur, (M.P.).....PETITIONER.

VERSUS.

1. State of Madhya Pradesh,
Mineral Resources, Department
Vallabh Bhawan,
Bhopal.

2. The Commissioner,
Raipur Division
Raipur.

3. The Collector,
(Mining Section),
Through the Mining Officer,
Durg, (M.P.) .....RESPONDENTS.

PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1760/95 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2-8-2005

Mr. Yogesh Pandey, counsel for the petitioner.

Mr. N.K. Agrawal, Deputy Advocate General with Mr. Parag Kotecha, Panel Lawyer for the State/respondents.

Heard.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, questioning the legality, propriety and correctness of order dated 7/8-12-1994, whereby a fine of Rs.16,000/- has been imposed upon the petitioner for not furnishing monthly statement and for non-submission of record regarding mining activities as required under Rule 25 (1) (xvi) of the Madhya Pradesh Minor Mineral Rules, 1961, and also order dated 28-3-1995 passed by the Commissioner, Raipur Division, Raipur, whereby the appeal filed by the petitioner was dismissed.

The only challenge raised by learned counsel for the petitioner is that in similar case, the Collector has imposed a fine of Rs.1,000/- vide order dated 6/7-6-1994, whereas, disproportionately such a high amount of fine has been imposed upon the petitioner.

I have perused both the orders.

In order dated 6/7-6-1994 for violation of the same rule i.e. Rule 25 (1) (xvi) of the Madhya Pradesh Minor Mineral Rules, 1961, only Rs.1,000/- has been imposed. Therefore, in view of the above facts and looking to the

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

business of the petitioner that he is engaged in manufacturing of bricks, it would be just and proper to reduce the fine amount to Rs.5,000/-.

In the result, the writ petition is partly allowed and fine amount of Rs.16,000/- imposed upon the petitioner is reduced to fine of Rs.5,000/-.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Soma